IN THE DRAWINGS:

Please replace the originally filed drawings with the attached replacement drawing sheets.

REMARKS

Claims 1 and 3-19 are pending in the application. Claims 1, 7-9 and 11-14 have been amended.

Drawings

The Examiner has requested new corrected drawings because the existing drawings are unclear and appear to be scanned images of photos, and as such it cannot be discerned what is present in the drawings.

Replacement drawings are provided.

Specification

Appropriate correction has been made to the abstract.

Claim Rejections - 35 U.S.C. § 112

Claims 11-14 have been rejected as being indefinite.

The claims have been amended to overcome the rejections.

Claim Rejections - 35 U.S.C. § 103

Claims 1-4, 12-13, 15-16, and 19 are rejected under 35 USC 103(a) as being unpatentable over von der Ohe et al. (US 4,453,740).

Claims 1-3, 5-14, and 16-18 are rejected under 35 USC 103(a) as being unpatentable over von der Ohe et al. in view of Illbruck et al. (US 5,633,067).

It appears that the Examiner has generally rejected all the claims as being obvious

without sufficient reasoning. First, the Examiner took official notice for all the features recited in the claims of the instant application as old and well known in the art. Applicants believe that it is inappropriate for the Examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.

Applicants believe that it is not old and well-known in the art to paint and/or undercoat an axle carrier to provide a protective lining. The protective lining on the axle carrier has a number of advantages and purposes. First of all, the most important purpose is to shield vehicle carriage parts, in particular the carriage suspension, from the motor compartment heat. This prevents heat damage of plastic or rubber-like parts of the suspension and so a damage of the suspension as a whole. Second, the protective lining is a heat shield for the axle carrier itself, so one can use carrier material such as aluminum which are not so heat resistant. Third, one can alternatively move all the parts lying below the engine against it without the danger of heat damage that makes the vehicle front more compact. A casing of the engine compartment is very complex and does not always make sense for every region of the compartment in view of the heat load. Moreover, a casing normally runs very near along the engine so the casing itself could be damaged by heat in the case of very powerful motors. Fourth, the protective lining is additionally sound absorbing (as a side effect).

The Examiner then rejected the claims by a combination of von der Ohe and Illbruck. Von der Ohe discloses an axle carrier for motor vehicles, but not a protective lining. Illbruck discloses a perforated foam layer attached to a wall element of an engine compartment casing element, but does not disclose attaching the foam layer to an axle carrier. The Examiner has stated that since the top surface of the axle carrier is a wall, it would have been obvious to one of ordinary skill in the art to take the teachings of Illbruck and incorporate them into the invention of von der Ohe in order to provide protection to the axle carrier from anything directly dripping or falling on the axle carrier.

It is noted that most, if not all inventions, arise from a combination of old elements. Thus, every element of a claimed invention may often be found in the prior art. However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination.

None of the cited references provides any motivation, suggestion or desirability to attach the foam layer as disclosed by Illbruck to an axle carrier as described by von der Ohe. It is disclosed in Illbruck to attach the foam layer to a wall element of an engine compartment casing element, not just to any wall.

The casing element of Illbruck is structured only for the purpose of sound absorbing. It is not disclosed in Illbruck that the casing element incorporates heat absorbing attributes. The protective lining of the present invention is first and foremost heat absorbing and discloses no perforated areas like the casing element of Illbruck. In fact, the perforated structure of the casing element of Illbruck may be harmful to the functionality of heat shielding.

In addition, the purpose of the protective lining of the present invention is not to protect the axle carrier from corrosion or from anything directly dripping or falling on the axle carrier, but rather to reduce noises, waste heat, and induced vibrations resulting from the engine running (see paragraph [0006] of the specification of the instant application).

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

The Commissioner is hereby authorized to charge any fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account Number 50-0951.

Favorable consideration and early issuance of the Notice of Allowance are respectfully requested. **Should further issues remain prior to allowance, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number.**

Respectfully submitted,

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